

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1164 be amended to read as follows:

- 1 Page 1, between lines 4 and 5, begin a new paragraph and insert:
2 **"Sec. 0.5. As used in this chapter, "affiliated group" means any**
3 **combination of the following:**
4 **(1) An affiliated group within the meaning provided in Section**
5 **1504 of the Internal Revenue Code (except that the ownership**
6 **percentage in Section 1504(a)(2) of the Internal Revenue Code**
7 **shall be determined using fifty percent (50%) instead of**
8 **eighty percent (80%)) or a relationship described in Section**
9 **267(b)(11) of the Internal Revenue Code.**
10 **(2) Two (2) or more partnerships (as defined in IC 6-3-1-19),**
11 **including limited liability companies and limited liability**
12 **partnerships, that have the same degree of mutual ownership**
13 **as an affiliated group described in subdivision (1), as**
14 **determined under the rules adopted by the department."**
15 Page 1, between lines 16 and 17, begin a new paragraph and insert:
16 **"(c) Real property described in subsection (a) that is used by the**
17 **owner as the owner's regular office space may not be considered a**
18 **model residence for purposes of this chapter. However, this**
19 **subsection does not prohibit the use of a garage or other space in**
20 **the real property:**
21 **(1) to store or display material used to promote the real**
22 **property or other similar properties; or**
23 **(2) as a space for meetings with prospective buyers or**
24 **lessees."**

- 1 Page 2, line 5, after "in" insert "**subsection (c) and**".
- 2 Page 2, line 6, delete "section 7" and insert "**sections 7 and 8**".
- 3 Page 2, between lines 15 and 16, begin a new paragraph and insert:
- 4 "**(c) A deduction allowed for a model residence under this**
- 5 **chapter for a particular assessment date is terminated if the model**
- 6 **residence is sold:**
- 7 **(1) after the assessment date of that year but before January**
- 8 **1 of the following year; and**
- 9 **(2) to a person who does not continue to use the real property**
- 10 **as a model residence.**
- 11 **The county auditor shall immediately mail notice of the**
- 12 **termination to the former owner, the property owner, and the**
- 13 **township assessor. The county auditor shall remove the deduction**
- 14 **from the tax duplicate and shall notify the county treasurer of the**
- 15 **termination of the deduction."**
- 16 Page 2, line 16, after "3." insert "**(a)**".
- 17 Page 2, line 17, delete "notice" and insert "**statement containing**
- 18 **the information required by subsection (b)**".
- 19 Page 2, line 20, delete "8" and insert "**9**".
- 20 Page 2, line 21, delete "deduction notice" and insert "**statement**".
- 21 Page 2, between lines 26 and 27, begin a new paragraph and insert:
- 22 "**(b) The statement referred to in subsection (a) must be verified**
- 23 **under penalties for perjury and must contain the following**
- 24 **information:**
- 25 **(1) The assessed value of the real property for which the**
- 26 **person is claiming the deduction.**
- 27 **(2) The full name and complete business address of the person**
- 28 **claiming the deduction.**
- 29 **(3) The complete address and a brief description of the real**
- 30 **property for which the person is claiming the deduction.**
- 31 **(4) The name of any other county in which the person has**
- 32 **applied for a deduction under this chapter for that assessment**
- 33 **date.**
- 34 **(5) The complete address and a brief description of any other**
- 35 **real property for which the person has applied for a deduction**
- 36 **under this chapter for that assessment date."**
- 37 Page 2, line 27, delete "A" and insert "**Subject to section 8 of this**
- 38 **chapter, a**".
- 39 Page 2, line 31, delete "notice" and insert "**statement**".
- 40 Page 2, line 33, delete "notice" and insert "**statement**".
- 41 Page 2, line 38, delete "notice" and insert "**statement**".
- 42 Page 2, line 41, delete "notice" and insert "**statement**".
- 43 Page 3, line 8, after "7." insert "**(a)**".
- 44 Page 3, between lines 14 and 15, begin a new paragraph and insert:
- 45 "**(b) A person who owns a model residence and claims a**
- 46 **deduction under this chapter shall provide to the county auditor a**

1 **notice that:**

2 **(1) informs the auditor of a transfer of the ownership of the**
3 **model residence; and**

4 **(2) indicates whether the new owner is eligible to receive a**
5 **deduction under this chapter.**

6 **The notice required by this subsection must be submitted to the**
7 **county auditor at the same time that a sales disclosure form is filed**
8 **under IC 6-1.1-5.5.**

9 **Sec. 8. The aggregate number of deductions claimed under this**
10 **chapter for a particular assessment date by the owners of model**
11 **residences who are a part of an affiliated group may not exceed**
12 **three (3)."**

13 Page 3, line 15, delete "8." and insert "9".

(Reference is to HB 1164 as printed January 22, 2008.)

Representative Herrell